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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

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10 LANCE REBERGER,

11 Plaintiff,

Case No. 3:15-cv-00064-MMD-VPC

12 v.

13 MICHAEL BYRNE, et al.,

14 Defendants.

ORDER

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16 I. DISCUSSION

17 Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma*  
18 *pauperis* and a motion for temporary restraining order and permanent injunction. (Dkt.  
19 no. 1, 1-1.) This Court denied the application to proceed *in forma pauperis* because  
20 Plaintiff had three strikes pursuant to 28 U.S.C. § 1915(g) and denied the motion for  
21 temporary restraining order and permanent injunction. (Dkt. no. 3 at 2, 5.)

22 Plaintiff now files a motion for voluntary dismissal. (Dkt. no. 6.) Pursuant to  
23 Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a  
24 court order by filing “a notice of dismissal before the opposing party serves either an  
25 answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court  
26 grants Plaintiff’s motion to voluntarily dismiss this action because no responsive  
27 pleading has been filed in this case. As such, the Court dismisses this action without  
28 prejudice.

## **II. CONCLUSION**

For the foregoing reasons, it is ordered that the motion for voluntary dismissal (dkt. no. 6) is granted.

It is further ordered that this action is dismissed in its entirety without prejudice.

It is further ordered that the Clerk of the Court shall enter judgment accordingly.

DATED THIS 6<sup>th</sup> day of March 2015.



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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE